
HOUSE BILL No. 1318

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-7-5-6; IC 35-44-1-8.

Synopsis: Lobbying by former state officials. Prohibits a former state official from registering as a lobbyist for one year after ceasing to be a state official. Provides that an individual who was a state official commits a Class D felony if the individual has dealings with an agency in the executive branch of state government within one year after ceasing to be a state official. Provides that the prohibition against registering and the new offense apply only to an individual who ceases to be a state official after June 30, 2005.

Effective: July 1, 2005.

Heim, Foley

January 13, 2005, read first time and referred to Committee on Government and Regulatory Reform.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1318

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-7-5-6 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 6. The following persons may not
3 be registered as a lobbyist under this article:

4 (1) Any individual convicted of a felony for violating any law
5 while the individual was an officer or employee of any agency of
6 state government or a unit of local government.

7 (2) Any person convicted of a felony relating to lobbying.

8 (3) Any person convicted of a felony and who:

9 (A) is in prison;

10 (B) is on probation; or

11 (C) has been in prison or on probation within the immediate
12 past one (1) year.

13 (4) Any person whose:

14 (A) statement or report required to be filed under this article
15 was found to be materially incorrect as a result of a
16 determination under IC 2-7-6-5; and

17 (B) who has not filed a corrected statement or report for that

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- 1 year when requested to do so by the commission.
- 2 (5) Any person who has failed to pay a civil penalty assessed
- 3 under IC 2-7-6-5.
- 4 (6) Any person who is on the most recent tax warrant list supplied
- 5 to the commission by the department of state revenue until:
- 6 (A) the person provides a statement to the commission
- 7 indicating that the person's delinquent tax liability has been
- 8 satisfied; or
- 9 (B) the commission receives a notice from the commissioner
- 10 of the department of state revenue under IC 6-8.1-8-2(k).
- 11 **(7) An individual who:**
- 12 **(A) has served as a state official (as defined in**
- 13 **IC 35-44-1-8); and**
- 14 **(B) ceases to be a state official after June 30, 2005;**
- 15 **during the period that ends one (1) year after the date the**
- 16 **individual ceases to be a state official.**
- 17 SECTION 2. IC 35-44-1-8 IS ADDED TO THE INDIANA CODE
- 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 19 1, 2005]: **Sec. 8. (a) This section does not apply to an individual**
- 20 **who:**
- 21 **(1) was a state official; and**
- 22 **(2) is a state official after the individual ceased to be the state**
- 23 **official referred to in subdivision (1).**
- 24 **(b) As used in this section, "appointed state official" means an**
- 25 **individual who serves in a position:**
- 26 **(1) in the executive, legislative, or judicial branch of state**
- 27 **government;**
- 28 **(2) created by:**
- 29 **(A) statute; or**
- 30 **(B) an order of at least one (1) individual who holds a state**
- 31 **office; and**
- 32 **(3) filled by at least one (1) individual who holds a state office.**
- 33 **(c) As used in this section, "compensation" means any property**
- 34 **with a value of at least two hundred fifty dollars (\$250).**
- 35 **(d) For purposes of this section, a person "deals with a state**
- 36 **agency" if the person does any of the following:**
- 37 **(1) Appears before a state agency.**
- 38 **(2) Contacts a state agency or an officer or employee of a state**
- 39 **agency.**
- 40 **(3) Transacts business with a state agency.**
- 41 **(e) As used in this section, "state agency" refers to either of the**
- 42 **following:**

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- 1 **(1) An agency:**
- 2 **(A) created by:**
- 3 **(i) statute; or**
- 4 **(ii) an order of at least one (1) individual who holds a**
- 5 **state office; and**
- 6 **(B) in the executive department of state government.**
- 7 **(2) A body corporate and politic established by statute.**
- 8 **(f) As used in this section, "state office" has the meaning set**
- 9 **forth in IC 3-5-2-48.**
- 10 **(g) As used in this section, "state official" refers to any of the**
- 11 **following:**
- 12 **(1) A member of the general assembly.**
- 13 **(2) An individual who holds a state office.**
- 14 **(3) An individual who is an appointed state official.**
- 15 **(h) An individual who:**
- 16 **(1) has served as a state official;**
- 17 **(2) ceases to be a state official after June 30, 2005; and**
- 18 **(3) knowingly or intentionally deals with a state agency:**
- 19 **(A) for another person;**
- 20 **(B) for compensation; and**
- 21 **(C) during the period that ends one (1) year after the date**
- 22 **the individual ceases to be a state official;**
- 23 **commits a Class D felony.**

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